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Chief, Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
ATTN: Notice No. 41
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The California Association of Winegrape Growers (CAWG) appreciates this opportunity to comment on Notice No. 41: Labeling and Advertising of Wines, Distilled Spirits and Malt Beverages. CAWG was established in 1974 to be an advocate for growers on public policy, industry affairs, and research and education programs to enhance the business of growing California winegrapes. Our membership represents the growers of approximately sixty percent of the annual grape tonnage crushed for wine and concentrate.

Our particular concern regarding the possibility of expanding the required information present on alcoholic beverage labels, including wine, is whether the information would detract from existing information such as the Government Warning, the sulfite statement and alcohol content. In other words, what is the consumer benefit of adding even more information to wine labels? Most of the additional information under consideration is well defined and limited by the standards of identity for the particular wine. These standards do not allow significant variation and the consumer may obtain the necessary information by consulting general references in print or on the internet.

Secondly, we must be concerned about the additional costs that would be incurred for compliance by wineries. This is especially important when we look at the vibrant growth of new small family-owned wineries throughout the country. Many of these new wineries and additional labels are being started by growers responding to winery consolidation, as well as an expanding American interest in wine as an everyday mealtime beverage and a contributor to rural development, agritourism and culture. Additional costs by a winery for label redesign, laboratory analysis and label reprinting means less investment made in the community for the purchase of grapes, equipment, salaries and benefits, and marketing. It is important for TTB to balance the cost to wineries with any real or perceived benefit of adding information to wine labels.

Should TTB seek to require mandatory nutrition labeling (that is, calories, fat, carbohydrates and protein) for alcohol beverage products, or should nutrition information be permitted only on a voluntary basis?

CAWG does not support mandatory nutritional labeling on wine labels. We are not aware of any wine producing or consuming country that has mandatory nutrition labeling for alcoholic beverages. Wine has no fat or protein. Its caloric content is derived in relationship to the wine's alcoholic content which is required to be indicated on each wine label. Those consumers who choose to drink wine as a mealtime beverage also have a plethora of information about wine's caloric content available in print and on the internet. TTB's current policy requiring nutritional labeling only on wines and in advertising for wines making calorie or carbohydrate claims is a more reasonable approach.

Representing wine and concentrate grape growers.

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Should TTB seek to require mandatory ingredient labeling (that is, a list of all ingredients used to make the product, including processing aids) for alcohol beverage products, or should ingredient labeling be permitted only on a voluntary basis?

CAWG is opposed to mandatory ingredient labeling for wine. Wine is the natural result of fermentation of fruit by yeast. Ingredient labeling is not necessary because of the standards of identity that recognize the agricultural ingredient and set forth the standards for production.

“Alcohol Facts”

There is general agreement that a typical glass of wine contains 5 ounces. A serving facts statement should not include icon illustrations for alcohol that misleads the consumer by implying “a drink is a drink” equivalency. Wine can vary from 7% alcohol by volume to as much as 24% alcohol by volume. Spirit products can vary from 5% to 90%. A shot glass of 1.5 ounces of 160 proof spirits contains almost three and a half times as much alcohol as 5 ounces of wine. To suggest that these drinks are in any way equivalent is misleading and could be dangerous.

The wide variability of the way table wine is consumed - normally with food as a mealtime beverage - the individual variation in the absorption of wine alcohol into the blood stream, and the effect of alcohol on body weight is complex. In an effort to try to provide additional information by simplifying it, care must be taken that the information is not misleading. Current alcohol content labeling should provide sufficient consumer information.

“Allergen Labeling”

The Food Allergen Labeling and Consumer Protection Act of 2004 provides a number of requirements for the labeling of food to protect consumers with food allergies. The Act does not directly apply to beverage alcohol products. Report language accompanying the legislation directs TTB to apply allergen labeling to beverage alcohol products “as appropriate.”

Wine is not produced from any of the eight major food allergens listed by the Act, but may contain trace residues of some fining and filtering aids. The Food and Drug Administration (FDA) has established a working group of the Food Advisory Committee to advise it on approaches to establishing thresholds for major food allergens. It is our understanding that this group has determined that the available science at this time is very limited and does not provide reasonably determined thresholds below which there are no risks.

It would be premature for TTB to take any action on allergen labeling until the Committee and its working group can provide guidance for the labeling of processing aids based on scientifically meaningful data. TTB must have clear threshold guidance from FDA before it takes any action.

Should TTB harmonize its alcohol beverage labeling regulatory requirements with those of other major producing nations, such as the Members States of the European Union, Australia and Canada, and with regulatory schemes of other Federal agencies, such as the Food and Drug Administration (FDA)? If so, how would that be best done?

As winegrape growing and wine making become more global, it is important to resolve differences to the extent possible through cooperative mutual agreements that recognize each others standards and regulations. It would be much more efficient for wineries to have U.S. wines produced and labeled under U.S. requirements accepted into other markets without costly re-labeling. There are several international wine trade groups working on facilitating mutual recognition and acceptance of label requirements. We support TTB’s involvement in those discussions and encourage continued efforts to reach consensus on key labeling issues.

There is a long-standing public record of Congressional intent for the regulation and labeling of alcoholic beverages as being substantially different from other foods. TTB is the expert agency for wine regulation and labeling and there is no reason to change that.

Conclusion

WineAmerica, a national trade association, has gathered extensive information on the cost of making label changes in response to this request for comments from TTB. We urge TTB to carefully consider WineAmerica's information in balancing the benefit and cost of making any changes in wine label requirements.

Based on these cost estimates and the fact that proposed label changes would provide few benefits to consumers and may in some cases be misleading, **CAWG** does not believe TTB should proceed with rulemaking on wine labeling at this time.

Sincerely,

A handwritten signature in cursive script that reads "Karen Ross".

Karen Ross
President

cc: Ben Drake, Chairman of the Board